



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.4209 of 2022

DHANALAKSHMI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.
Crime No.52 of 2022

[RESPONDENT]

For Petitioner : M/S.R.JAYAPRAKASH Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 302, 307, 309 of IPC in Crime No.52 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.01.2022, the defacto complainant was informed over phone that the petitioner along with her two children jumped into his twenty feet well. Then, the workers in the defacto complainant's land saved the petitioner and her one daughter.However her another daughter drowned and died.Hence,the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that due to the starvation, this petitioner attempted to commit suicide along with her two children and therefore it cannot be said the offence committed by the petitioner is within the purview of the offence under Section 302 of IPC. Accordingly, he pleads for grant of Anticipatory Bail to the petitioner.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) raised objection stating that investigation is pending.



5. The submissions made by the learned counsel on either side are considered.

6. Though the respondent police registered a case against the petitioner for the offence punishable under Section 302 of IPC, investigation reveals during the relevant point of time due to starvation, the petitioner decided to commit suicide along with her two children. Therefore, taking into consideration of the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II at Sankari, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges
Sr.2761

CRL OP.4209/2022

Date :22/02/2022

RVR 25/02/2022